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Attorneys for Complainant

**BEFORE THE  
PHYSICAL THERAPY BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

SYLVIA MARITZA SMISER, PT  
1084 North Pointe Dr.  
Normal IL 61761

Physical Therapist License No. PT 29147

Respondent.

Case No. 1D 2006 64728

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

In the interest of a prompt and speedy settlement of this matter, consistent with the public interest and the responsibility of the Physical Therapy Board of California of the Department of Consumer Affairs, the parties hereby agree to the following Stipulated Settlement and Disciplinary Order which will be submitted to the Board for approval and adoption as the final disposition of the Accusation.

**PARTIES**

1. Steven K. Hartzell (Complainant) is the Executive Officer of Physical Therapy Board of California. He brought this action solely in his official capacity and is represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California, by Jill Scally, Deputy Attorney General.

2. Sylvia Maritza Smiser, PT (Respondent) is representing herself in this proceeding and has chosen not to exercise his right to be represented by counsel.

3. On or about February 4, 2004, the Physical Therapy Board of California issued Physical Therapist License No. PT 29147 to Sylvia Maritza Smiser. The Physical Therapist License was in full force and effect at all times relevant to the charges brought herein and will expire on January 31, 2008, unless renewed.

## JURISDICTION

4. Accusation No.1D 2006 64728 was filed before the Physical Therapy Board of California, Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on April 17, 2007. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation No.1D 2006 64728 is attached as exhibit A and incorporated herein by reference.

## ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Accusation No.1D 2006 64728. Respondent also has carefully read, and fully understands the effects of this Settlement and Disciplinary Order.

6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

## CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Accusation No.1D 2006 64728.

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1                   9.       Respondent agrees that her Physical Therapy License is subject to  
2 discipline and she agrees to be bound by the Physical Therapy Board of California's imposition  
3 of discipline as set forth in the Disciplinary Order below.

4                                   **RESERVATION**

5                   10.       The admissions made by Respondent herein are only for the purposes of  
6 this proceeding, or any other proceeding in which the Physical Therapy Board of California, or  
7 other professional licensing agency is involved, and shall not be admissible in any other criminal  
8 or civil proceeding.

9                                   **CONTINGENCY**

10                  11.       This stipulation shall be subject to approval by the Physical Therapy Board  
11 of California. Respondent understands and agrees that counsel for Complainant and the staff of  
12 the Physical Therapy Board of California may communicate directly with the Board regarding  
13 this stipulation and settlement, without notice to or participation by Respondent. By signing the  
14 stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek  
15 to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails  
16 to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary  
17 Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal  
18 action between the parties, and the Board shall not be disqualified from further action by having  
19 considered this matter.

20                                   **OTHER MATTERS**

21                  12.       The parties understand and agree that facsimile copies of this Stipulated  
22 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same  
23 force and effect as the originals.

24                                   **DISCIPLINARY ORDER**

25                  In consideration of the foregoing admissions and stipulations, the parties agree  
26 that the Physical Therapy Board of California may, without further notice or formal proceeding,  
27 issue and enter the following Disciplinary Order:

28       ///

1 IT IS HEREBY ORDERED that Sylvia Maritza Smiser, holder of Physical  
2 Therapy License No. PT 29147, is publicly reproved by the Physical Board of California for  
3 violating sections 2660(d), 2660(i) and 2236(d) of the Business and Professions Code as set forth  
4 in the Accusation. The Public Reproval is attached as Exhibit B.

5 **ACCEPTANCE**

6 I have carefully read the above Stipulated Settlement and Disciplinary Order and  
7 I understand the stipulation and the effect it will have on my Physical Therapy License. I enter  
8 into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently,  
9 and agree to be bound by the Decision and Order of the Physical Therapy Board of California.

10 DATED: August 16, 2007.

11  
12 Original Signed By:  
13 **SYLVIA MARITZA SMISER, P.T.**  
14 Respondent

15 **ENDORSEMENT**

16 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully  
17 submitted for consideration by the Physical Therapy Board of California.

18  
19 DATED: August 22, 2007

20 EDMUND G. BROWN JR., Attorney General  
21 of the State of California

22 GAIL M. HEPPELL  
23 Supervising Deputy Attorney General

24  
25 Original Signed By:  
26 JILL SCALLY  
27 Deputy Attorney General

28 Attorneys for Complainant

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2 **BEFORE THE**  
3 **PHYSICAL THERAPY BOARD OF CALIFORNIA**  
4 **DEPARTMENT OF CONSUMER AFFAIRS**  
5 **STATE OF CALIFORNIA**

6 In the Matter of the Accusation Against:

Case No. 1D 2006 64728

7 SYLVIA MARITZA SMISER, PT  
8 1084 North Pointe Dr.  
9 Normal IL 61761

Physical Therapist License No. PT 29147

Respondent.

10  
11 **DECISION AND ORDER**

12 The attached Stipulated Settlement and Disciplinary Order is hereby adopted by  
13 the Physical Therapy Board, Department of Consumer Affairs, as its Decision in this matter.

14 This Decision shall become effective on October 29, 2007.

15 It is so ORDERED September 28, 2007.

16  
17  
18 Original Signed By:  
19 FOR THE PHYSICAL THERAPY BOARD OF CALIFORNIA  
20 DEPARTMENT OF CONSUMER AFFAIRS  
21 Nancy Krueger, PT  
22 President, Physical Therapy Board of California  
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